

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

## FACSIMILE COVER SHEET

Deliver to: Donels, Jeffrey, USPTOArt Group: 2837Facsimile No.: (703) 872-9306Date: April 20, 2005From: Eric T. King, Reg. No. 44,188Our Docket No.: 3992P003Number of pages 22 including this sheet.Application No.: 09/990,801Filing Date: 11/21/2001Docket Due Date(s): 3/13/2005 4/13/2005

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: <u>      </u> ( <u>17</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( <u>      </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: <u>      </u> ( <u>      </u> pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: <u>      </u>
<input type="checkbox"/> Assignment & Cover Sheet ( <u>      </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile <u>      </u>	<input type="checkbox"/> Reply Brief ( <u>      </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>      </u> pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>      </u> sheets, <u>      </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input checked="" type="checkbox"/> Extension of Time: <u>      </u> two (2) months	<input type="checkbox"/> Response to Written Opinion ( <u>      </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>      </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other <u>      </u>	<input checked="" type="checkbox"/> Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.81)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

*N. Erquiaga* 4/20/2005  
 Nicole Erquiaga Date

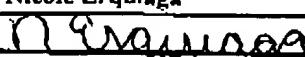
**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Nicole Erquiaga.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/990,801
		Filing Date	November 21, 2001
		First Named Inventor	John Brinkman
		Art Unit	2837
		Examiner Name	Donels, Jeffrey
Total Number of Pages in This Submission	21	Attorney Docket Number	3992P003

<b>ENCLOSURES (check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
Remarks		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Eric T. King, Reg. No. 44,188  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	April 20, 2005

<b>CERTIFICATE OF MAILING/TRANSMISSION</b>			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Nicole Erquiaga		
Signature		Date	April 20, 2005
Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 06/04/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			

<b>FEE TRANSMITTAL for FY 2005</b>		<i>Complete if Known</i>			
		Application Number	09/990,801		
		Filing Date	November 21, 2001		
		First Named Inventor	John Brinkman		
		Examiner Name	Donels, Jeffrey		
		Art Unit	2837		
		Attorney Docket No.	3992P003		
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee					
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments					
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.					
<b>FEE CALCULATION</b>					
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
<b>SUBTOTAL (2)</b> <span style="float: right;">(\$)</span> <b>450.00</b>					
<b>SUBMITTED BY</b>					
Name (Print/Type)	<u>Eric T. King</u>		Registration No. (Attorney/Agent)	44,188	Complete (if applicable)
Signature				Telephone	(714) 557-3800
				Date	04/20/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (W) 12/15/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

# FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

450.00

Complete if Known	
Application Number	09/990,801
Filing Date	November 21, 2001
First Named Inventor	John Brinkman
Examiner Name	Donels, Jeffrey
Art Unit	2837
Attorney Docket No.	3992P003

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

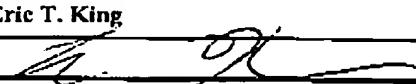
Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051 65	Surcharge - late filing fee or oath
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet.
2053	130	2053 130	Non-English specification
1251	120	2251 60	Extension for reply within first month
1252	450	2252 225	Extension for reply within second month
1253	1,020	2253 510	Extension for reply within third month
1254	1,590	2254 795	Extension for reply within fourth month
1255	2,160	2255 1,080	Extension for reply within fifth month
1401	500	2401 250	Notice of Appeal
1402	500	2402 250	Filing a brief in support of an appeal
1403	1,000	2403 500	Request for oral hearing
1451	1,510	2451 1,510	Petition to institute a public use proceeding
1460	130	2460 130	Petitions to the Commissioner
1807	50	1807 50	Processing fee under 37 CFR 1.17(q)
1808	180	1808 180	Submission of Information Disclosure Stmt
1809	790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify) _____			
SUBTOTAL (2)			(\$)
			450.00

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188	Telephone (714) 557-3800
Signature			Date	04/20/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/990,801  
Amdt. Dated 4/20/2005  
Reply to Office action of 12/13/2004

RECEIVED  
CENTRAL FAX CENTER

APR 20 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. :	09/990,801	Confirmation No. 3763
Applicant :	John Brinkman	
Filed :	11/21/2001	
TC/A.U. :	2837	
Examiner :	Jeffrey Donels	
Docket No. :	003992.P003	
Customer No. :	8791	

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT**

Sir:

In response to the Office Action of December 13, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.